

# Naples City Council November 14, 2013 Minutes

The regularly scheduled meeting of the Naples City Council was held November 14, 2013, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

## *DATE, TIME & PLACE OF MEETING*

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds.

## *COUNCIL MEMBERS ATTENDING*

Others attending were Nick Jones, Jim Harper, Kathy Harper, Nichole Sleight, Trever Sleight, Reed Sleight, Jordan Palfryman, David Haslem, Jaleen Haslem, Andrea Rivera, Cliff Grua, Jeff Garrard, Brandon Garrard, Mark Watkins, Chris Hoem, Craig Blunt and Nikki Kay.

## *OTHERS ATTENDING*

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Robert Hall offered the invocation.

## *OPENING CEREMONY*

Mayor Baker asked for approval of the agenda. Dennis Long **moved** to approve the agenda. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

## *AGENDA APPROVED*

Mayor Baker asked for approval of the minutes of the October 24, 2013 regular City Council meeting. Dan Olsen **moved** to approve the minutes as presented. Robert Hall **seconded** the motion. The motion passed with all voting aye.

## *MINUTES APPROVED*

Mayor Baker asked if anyone had anything to discuss from the previous meeting. Councilman Kitchen wanted to know if they were going to discuss the city limit signs. Craig said it would be item thirteen on the agenda.

## *FOLLOW UP ITEMS FROM PREVIOUS MEETING*

Nikki Kay presented the bills in the amount of \$49,316.19 and asked for approval to pay them. Dan Olsen **moved** to approve payment of the bills in the amount of \$49,316.19. Dennis Long **seconded** the motion. The motion passed with the following vote:

## *APPROVAL OF THE BILLS*

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins asked for approval to attend the midwinter conference for police chiefs. The amount requested for travel and registration was \$374.89. Gordon Kitchen **moved** to approve the request. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

### ***TRAVEL APPROVAL***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received from Jeremy Gudac to operate a photography business at 2594 S 500 E. Mr. Gudac signed a home owners agreement as part of the home occupation business license application. Craig stated the owner would be going to different sites for the photographs and would not have a studio in the home. Kenneth Reynolds **moved** to approve the license contingent upon checking to see if a sales tax number is required. Dennis Long **seconded** the motion. The motion passed with all voting aye.

### ***BUSINESS LICENSE APPROVAL***

Nick Jones with Utah LTAP came to present an award to Jim Harper. Jim earned the road master level two award. Mr. Jones expressed appreciation for the work Jim has put into the program in the last two years. Mr. Jones stated they work with Utah State University, UDOT, and Federal Highways to make sure those who have responsibility for the care and maintenance of the roads are receiving the proper training. Mr. Jones noted the amount of capital outlay invested in our roads and how important it is to know how to care for them properly. Mr. Jones presented the award to Jim Harper and acknowledged his efforts to achieve the road scholar award. Mayor Baker and Council members congratulated Jim Harper for this achievement.

### ***PRESENTATION OF ROAD MASTER LEVEL TWO AWARD***

Cliff Grua with Ironwood Subdivision came before the Council to discuss the issue of a park area in the subdivision. Mr. Grua stated the land that was set aside for the park was deeded to the City by mistake and then voiced his concern

### ***IRONWOOD SUBDIVISION PARK***

over the public safety issue of a park and who would be responsible for carrying liability insurance. Mr. Grua also asked the Council who would hold the responsibility of policing the park to make sure only subdivision residents were using the park. He stated another issue would be the property tax and how the County would divide the taxes between so many private owners. Mr. Grua said he met with Chris Hoem, Craig Blunt and Dennis Judd to discuss these issues. Mr. Grua said they talked about putting the lot back into private ownership and the owner would be responsible for maintenance of the area while maintaining an easement for the surface water retention area. Mr. Grua said, as part of the contract with any potential buyer, it would state this would have to remain accessible to the City for all time. Councilman Reynolds wanted to know if someone could build on the lot. Mr. Grua stated there couldn't be any permanent structures but someone could put in a lawn or gravel it. Mayor Baker wanted to know why there was such a large area of ground designated for the storm water, he wanted to know if that was what was calculated to hold the storm water. Craig Blunt said part of it was to be for the storm water and the other part of the lot was presented to the Planning Commission as a park. Chris Hoem said, as he spoke with Dennis Judd, it was determined that the best avenue for the City would be to allow the lot to be privately owned and make sure the calculations for the storm water retention are correct. Chris said the City will also need to hold a public hearing to amend the subdivision. Chris stated Mr. Grua was coming before the Council to see if they would be amenable to this change. Councilman Kitchen wanted to know if they foresee this being similar to what the Recreation District has for their storm water retention. Mr. Grua said it will be similar. Councilman Kitchen said he thought whoever buys the lot would need to be made aware they will always have to maintain the water retention area. Councilman Kitchen said they wouldn't be getting a yard, they will be maintaining a water retention area. Councilman Kitchen asked about landscaping for the area. Mr. Grua said that would be done according to the subdivision requirements. Chris said all of the details would be taken care of in the agreement that will be brought back to the Council on December 12<sup>th</sup>, outlining everything that needs to happen with the property and will be recorded with that lot. Councilman Kitchen wanted to know who will maintain it until the lot is sold. Mr. Grua said it will be owned by his company and they will be responsible until it is sold and then the contract will spell out all of the agreements and requirements

concerning the easement and maintenance. Council members discussed if a motion needed to be made on this. Councilman Olsen thought they might need one to deed the land back to Mr. Grua. Chris Hoem said Mr. Judd is looking into the process of giving public lands back to a private owner. Councilman Olsen **moved** to have the City Attorney proceed with the legal documents necessary to return the property to Ironwood and that the City retain easements and water retention on the property. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Dennis Long **moved** to go into a public hearing to discuss projects to be applied for under the CDBG and CIB guidelines. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Mayor Baker turned the time over to Craig Blunt to explain the funding programs to those in attendance.

Craig Blunt explained that the CDBG grant money must be spent on projects benefitting primarily low and moderate income persons. The Tri County Region, in which Naples City is a member, of the Uintah Basin Association of Governments (UBAG), is expecting to receive approximately \$450,000. This amount is the same as last year but the exact amount is unknown do to the political climate we are now in.

All eligible activities for the CDBG program that can be accomplished under this program are identified in the CDBG Application Policies and Procedures Manual and interested persons can review it at any time. A hand out listing the eligible activities was given out. Several of the activities listed was read out loud such as Construction of public works and facilities, i.e.,: water and sewer lines, fire stations, acquisition of real property, provision of public services such as food banks or homeless shelters. Also eligible are loan programs for private businesses which would then hire low income persons and the program can also pay for housing rehabilitation or down payment assistance for low income homeowners.

In the past the City has received funding for the following: land acquisition to help get a quality senior living facility for our community, six lot purchases for the Self Help Housing Program, funding to set up a housing rehabilitation fund and the purchase of fire equipment.

***MOTION TO OPEN  
PUBLIC HEARING TO  
DISCUSS POTENTIAL  
PROJECTS TO BE  
APPLIED FOR UNDER  
THE CDBG AND CIB  
GUIDELINES***

The CIB funds program is a program of the state of Utah which provides loans and/or grants to state agencies and subdivisions of the state such as Cities which are or may be socially or economically impacted, directly or indirectly, by mineral resource development on federal lands. The source of funding through CIB is the mineral lease royalties returned to the state by the federal government. The CIB will consider only those applications submitted by an eligible applicant for an eligible project spent to mitigate community impacts due to the oil and gas industry of which are obvious to those who live in Naples.

The CIB three eligible project categories are defined as follows: Utah's state statute authorizes the CIB to fund the following types of activities: 1. planning, 2. construction and maintenance of public facilities, and 3. provision of public services. The CIB's administrative rules further define "public facilities and services" to a mean public infrastructure traditionally provided by governmental entities.

All applicants must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector. Nothing in the statutory language precludes the CIB from considering the effect of a proposed project on "economic development" or "job creation" as long as the proposed project can be determined to fall within one of the three eligible categories.

Uintah County generates an average of \$81,000,000 of mineral lease royalties per year; the State takes 43% the CIB gets 39% to allocate by the application process.

The City has received funding both in grants and loans to rebuild: 1000 South road from 1500 East to 2000 East, 2500 South from 500 East to 1600 East. The purchase of equipment: 75' foot ladder truck, fast attack foam and water truck, fire water and foam pumper truck, road sweeper, snow plow trucks, and public works buildings

Mr. Blunt handed out the City's capital investment plans for CIB and CDBG which are part of the regional "Consolidated Plan." This list shows which projects the City has identified as needed in the community. It was asked that anyone with questions, project recommendations, comments or suggestions during the hearing please identify themselves by

name before they speak. The City Recorder will include your names and comments in the minutes and we would like to specifically respond to your questions and suggestions during the hearing.

The Mayor opened the meeting up to further suggestions from the audience.

Chief Watkins noted that Vernal City is either going to tear down or move the Children's Justice Center and wanted to know if they could have it built in Naples. With no other comments from the public Dan Olsen **moved** to close the public hearing. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Mayor Baker wanted to know if the Council needed to take action on the list that was presented. Craig said they do. The Council looked at the lists for CIB projects first, Mayor Baker said they could cross off the street lighting project because they received funding for it and leave the storm drain improvements. Councilman Kitchen wanted to know if they wanted to move any from the five-year list to the one year list. Craig said the Community Center would be a good one to add and also the suggestion made by the Chief would be a good one. Councilman Kitchen said he believes they have plans to move the Children's Justice Center near the Golden Age Center. He thought before the City included it on the list they should speak with the other entities and determine what their plans are for it. Councilman Olsen wanted to know if they wanted to add the box culvert on 2500 South to the list. Mayor Baker thought it would be a good one. Councilman Kitchen wanted to see the lights on the park road moved to the one-year list. Councilman Olsen wanted to know if they could section out the repair on 1500 South from the whole road to make it more acceptable. Craig said they could give it a try. Council members talked about breaking up 2500 South into sections also. Craig said he will add the phases for 2500 South box culvert and the road repair on 1500 South to the five-year list.

Council members reviewed the CDBG project list. Mayor Baker wanted to know if they could add a community center to the list. Craig said they could try but he didn't think it would do well on the rating and ranking. Mayor Baker thought the self-help housing lots did well and thought they should put those back on the list. Dennis Long **moved** to approve the discussed projects for the two lists. Gordon

Kitchen **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to open a public hearing to open and amend the FY2013/2014 budgets. Robert Hall **seconded** the motion. The motion passed with all voting aye. Nikki Kay discussed the proposed changes to the budget. She stated some were to bring in revenue for grants, revenue for surplus sales, and increase expenditures for some projects that have gone over budget. With no comments from the public, Dan Olsen **moved** to close the public hearing. Robert Hall **seconded** the motion. The motion passed with all voting aye. Dennis Long **moved** to adopt Resolution 13-260 with the proposed changes to the budget along with an additional \$14,000 to the capital project road fund. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Mayor Baker received and opened the notice regarding the 1000 South Community Development Project Area. Kenneth Reynolds **moved** to acknowledge receipt of the CDA notice and to set a joint public hearing date of December 12, 2013. Robert Hall **seconded** the motion. The motion passed with all voting aye.

**Signs** - Jim Harper gave the Council the information on the welcome to Naples signs. Jim said these would be the small 18x24 welcome to Naples signs and the total cost would be \$691.80. Councilman Kitchen wanted to know what he found out from UDOT about the larger signs. Jim said UDOT would get the signs with 18" lettering but not until after the first of the year. Councilman Kitchen wanted to know about the signs in Ballard. Jim said those were not put in UDOT's right-of-way and so they were able to do something different. Jim said UDOT will take care of getting the signs and the City will pay for them. Councilman Olsen wanted the City to send a letter to UDOT expressing thanks for their help.

**Road Salt** - Jim asked for approval to purchase 3/4 ton of salt in the amount of \$3,800.

***PUBLIC HEARING TO  
OPEN AND AMEND THE  
FY 2013/2014 BUDGETS***

***ACKNOWLEDGE RECEIPT  
OF COMMUNITY  
DEVELOPMENT PROJECT  
AREA - SET PUBLIC  
HEARING DATE***

***APPROVE PURCHASES IN  
ROAD DEPARTMENT***

**Hydraulic motor** - Jim said they need a new motor for the broom at a cost of \$600.

**Calcium Chloride** - Jim said they also needed to purchase calcium chloride for the new wet system. The amount to purchase this would be \$1,137.50 which includes a \$400 deposit for the tote.

**ArGis Desktop License** - Jim stated the road department needed an ArGis Desktop License in order to work with the new surveying equipment they just purchased. Jim said this would allow them to move their data information from the equipment to the computer. Mayor Baker wanted to know why they didn't move the information to Chris Hoem's computer. Chris said he already has the program and this purchase would be for a second user. Chris said the road department would be doing the GPS work and gathering the data so they should have access to it. Mayor Baker wanted to know what they would be doing with it, he felt the road department was more the gatherer of the information. Jim said they would need to be able to update the information. Mayor Baker wanted to know how Chris would know when the information is changed. Chris said they would have a shared server. The cost of the second license is \$1,377. Robert Hall **moved** to approve the expenditures as outlined. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins requested approval to purchase a new desk for his office. He stated the funds are in his budget. The amount requested was \$2,150. Dan Olsen **moved** to approve the purchase for a new desk. Robert Hall **seconded** the motion. The motion passed with the following vote:

***PURCHASE NEW DESK***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye



Chief Watkins told the Council he would like to promote Valeen Horrocks to patrol sergeant and offer a 2% increase in salary. Chief Watkins said the increase is still within his budget. Councilman Kitchen asked if it was within the pay grade. Chief Watkins stated it was. Robert Hall **moved** to approve the request. Dennis Long **seconded** the motion. Councilman Olsen wanted to know when the pay increase would take effect. Chief Watkins stated Officer Horrocks was still on medical leave and would be back to work the first of December and he would be fine with it taking effect the first pay period in December. With no other questions the motion passed with a roll call vote as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Nikki Kay wanted clarification on the time of the Christmas party and what the Council wanted to do for the evening. Mayor Baker said he was good with just eating and socializing. Councilman Long said the hospital has a raffle for the prizes at their Christmas party and people can put a ticket in for the prize they want to win. Chief Watkins wanted to know if it would be okay to take the time that night to recognize a couple of his officers. Mayor Baker said that would be totally appropriate. Council members decided that 6:00 p.m. would be good.

Council members canvassed the 2013 municipal election. Nikki Kay gave Council members the tally sheet, provisional ballots, and information on absentee ballots. Mayor Baker noted the number of people who voted in the election were 125, number of absentee ballots were two, the number of valid provisional ballots received were seven. The provisional ballots were counted and added to the total votes cast. The results were: Dean Baker for Mayor 123, Jeanne Cushing 34, Dennis Long 94, Amber Ray 33, and Robert Hall 103. Dan Olsen **moved** to accept the canvass as presented with Dean Baker being elected as Mayor and Robert Hall and Dennis Long elected as Council members. Gordon Kitchen gave the **second**. The motion passed with all voting aye.

Craig Blunt pointed out the information he supplied to the Council which he received from the auditor regarding the highway use tax and road tax.

## ***POLICE DEPARTMENT PROMOTION & SALARY INCREASE***

## ***CHRISTMAS PARTY DISCUSSION***

## ***CANVASS THE 2013 MUNICIPAL ELECTION***

## ***OTHER MATTERS***

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 9:30 p.m. Kenneth Reynolds **seconded** the motion. The meeting was adjourned.

***MOTION TO ADJOURN***

APPROVED BY COUNCIL ON THE 12<sup>th</sup> DAY OF DECEMBER 2013

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_